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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 KATHLEEN MARY VIERRA, )

13 Plaintiff, )

14 v. )

15 STEPHEN J. HUNT, )

16 Defendant. )  
17

Case No.: C 10-2239 PVT

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE; AND**

**DIRECTING PLAINTIFF TO PROPERLY  
SERVE DEFENDANT**

18 A Case Management Conference was scheduled in this case for 2:00 p.m. on August 31,  
19 2010. None of the parties made an appearance at the Case Management Conference. In addition, it  
20 appears from the docket that Plaintiff attempted to effect service of process by mailing the summons  
21 and complaint on Defendant by mail. Such service does not meet the requirements of Federal Rules  
22 of Civil Procedure 4. Therefore, based on the file herein,

23 IT IS HEREBY ORDERED that the Case Management Conference is CONTINUED to  
24 2:00 p.m. on November 16, 2010 in Courtroom 5 of this court. The parties shall file their Case  
25 Management Conference Statements no later than November 9, 2010.

26 IT IS FURTHER ORDERED that, no later than October 5, 2010, Plaintiff shall have the  
27 summons and complaint (along with the other documents required to be served with the complaint),  
28 served on Defendant by having a process server (or other non-party over the age of 18) either:

1 1) deliver copies to Defendant personally; or 2) leave copies at Defendant' dwelling or usual place of  
2 abode with someone of suitable age and discretion who resides there. *See*, FED.R.CIV.PRO. 4(e)(2).  
3 Plaintiff shall file a proof of such service no later than October 12, 2010.

4 Dated: 8/31/10

5   
6 PATRICIA V. TRUMBULL  
United States Magistrate Judge

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2 copies mailed on 9/1/10 to:

3 Kathleen Mary Vierra  
4 1093 Leigh Avenue, #92  
5 San Jose, CA 95126

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/s/ Donna Kirchner  
DONNA KIRCHNER  
Judicial Law Clerk

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